THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 17797 of 1998

DATED: 07-03-2007

Between:

N. Istari.

..Petitioner

And

The Secretary to Government, Labour, Employment & Factories (Lab-I) Department, Secretariat, Hyderabad and others.

..Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 17797 of 1998

ORDER:

The petitioner filed this writ petition with the following prayer;

> "to declare the action of the 1st and 2nd respondents in not sending the reference for adjudication and also not furnishing the details of the Labour Court to which the reference was said to have been referred, vide G.O.Rt.No.2322, dated. 23.11.1989, as illegal and arbitrary, and consequently, to direct them to send the reference in respect of the failure report submitted by the Assistant Commissioner of Labour, vide No.A/959/89, dated. 12.08.1989 to the Labour Court for adjudication of the dispute".

2. The 2nd respondent-Commissioner of Labour filed counter affidavit. It is stated in the counter affidavit that on the representation made by the petitioner through his counsel, seeking the details as to which Labour Court the dispute had been referred to for adjudication, the 2nd respondent issued a reply notice, dated 01.03.1997, stating that the dispute had already been referred to the Labour Court for adjudication. But, according to the learned

counsel for the petitioner, the 2nd respondent-Commissioner has not made any such reference, and the Labour Court, to which the dispute is said to have been referred by the 2nd respondent-Commissioner, is not at all in existence.

3. When the matter came up on last occasion, the 2nd respondent- Commissioner of Labour, who filed the counter affidavit, submitted that he is unable to trace out the copy of G.O. issued by him earlier and sought time to issue fresh G.O. to refer the matter to the Labour Court. Accordingly, G.O.Ms.No.70, dated 10.01.2007 was issued referring the dispute to the Labour Court-III, Hyderabad, and the same was numbered as I.D.No.27 of 2007.

4. Subsequently, it was brought to the notice of this Court that as there are some mistakes crept in the said reference, the Government correcting the mistakes issued an amended G.O.Rt.No.244, dated 06.02.2007, and in view of that, no further orders are necessary in this writ petition.

5. Accordingly, the Writ Petition is closed. However, the Labour Court-III, Hyderabad, is directed to expedite the hearing of the dispute on priority basis since the dispute relates to the year 1989. No costs.

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N.V. RAMANA, J.

Date: 07.03.2007

sj/nsr